

SR

**United States District Court****SOUTHERN DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA

V.

**John Henry McAfee****CRIMINAL COMPLAINT**CASE NUMBER: 07-0091-C

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 18, 2007 in Mobile county, in the Southern District of Alabama, defendant(s) did, (Trace Statutory Language of Offense)

**knowingly execute, or attempted to execute, a scheme or artifice to defraud a financial institution, to-wit: Capital City Bank, Bay Bank, and Century Bank, and to obtain the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, the financial institutions, by means of false or fraudulent pretenses, representations, and promises**

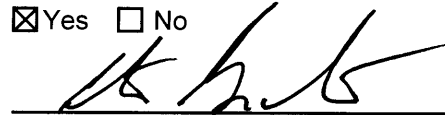
in violation of Title 18, United States Code, Section(s) 1344.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

**\*See Attached Affidavit**

Continued on the attached Sheet and made a part hereof:

☒ Yes ☐ No

Signature of Complainant

Sworn before me and subscribed in my presence,

July 19, 2007

Date

at Mobile, AL

City and State

William E Cassady

Name and Title of Judicial Officer

William E Cassady

Signature of Judicial Officer



AFFIDAVIT

I, Christopher Graham, being duly sworn and deposed and state that I am a Special Agent with the United States Secret Service (USSS) and have been so employed since November of 2004. Prior to my employment with the United States Secret Service I was employed as a police officer for the State of Alabama for 13 years.

As part of my official duties as a Special Agent for the United States Secret Service I investigate crimes related to fraud, such as bank fraud. I know from my training and experience that those involved in fraud related activities will devise schemes utilizing checks, among other things, to obtain money and assets. The following information is known to me personally or was reported to me by other law enforcement officers.

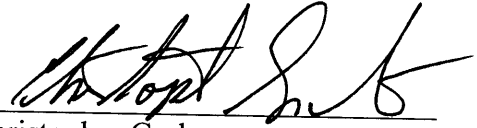
1. On or about 07/12/07, John Henry McAfee opened a checking account, number 0929220, and a savings account, number 1933395, with Century Bank, 10225 Grand Bay Wilmer Road, Grand Bay, AL, via personal checks drawn on Capital City Bank, 217 North Monroe Street Tallahassee, FL.
2. The Capital City Bank checks were drawn on the account of John H. McAfee, account number 0307061206. The checks McAfee used to open his Century Bank Checking and Savings accounts were made payable to Century Bank and are further described as: Check number 248, which was deposited into McAfee's checking account, was drawn in the amount of \$1,740 and dated 07/12/07. Check number 247, which was deposited into McAfee's savings account, was drawn in the amount of \$1,000 and dated 07/11/07.

3. On 07/12/07, McAfee returned to Century Bank and made a \$500 cash withdrawal from his savings account, number 1933395. On 07/13/07, McAfee returned to Century Bank to make his second cash withdrawal of \$1,000 from his savings account, number 1933395. On 07/14/07, McAfee returned to Century Bank to make his third cash withdrawal of \$200 from his savings account, number 1933395.
4. On 07/16/07, McAfee returned to Century Bank and made an \$800 cash withdrawal from his checking account, number 0929220.
5. Based on the fact that McAfee had withdrew a majority of the funds he had deposited with in a five day period, Century Bank became suspicious and contacted Capital City Bank to validate McAfee's account, number 0307061206. Capital City Bank informed Century Bank that McAfee's account, number 0307061206, was closed in 12/06. Based on McAfee's Capital City Bank account being closed, Century Bank informed its employees and security to be alert for McAfee in case he returned.
6. On 07/18/007, McAfee returned to Century Bank in an attempt to open a business account. Before McAfee could conduct any business the Mobile County Sheriffs Office took McAfee into custody for questioning.
7. As a result of McAfee's detention and an inventory of McAfee's vehicle prior to impoundment, a Mobile County Deputy located a document in McAfee's vehicle that identifying an account, number 41013905, that McAfee had opened with Bay Bank, 5808 Highway 90 West - Suite F, Theodore, AL.

8. On 07/18/07, Mobile County Sheriffs Office Sergeant James Lackey spoke with Bay Bank staff and discovered that McAfee had opened the aforesaid account with check number 249, dated 07/18/07, in the amount of \$2,340, drawn on the Capital City Bank account of John H. McAfee.
9. On 07/18/07, Sergeant Lackey and I interviewed McAfee at the Mobile County Sheriffs Office Theodore Substation. Sergeant Lackey advised McAfee of his Miranda via Mobile County Sheriffs Office Miranda Wavier, which McAfee acknowledged and waived by signing. The following is was McAfee stated.
  - a. McAfee stated that he is addicted to crack cocaine and has been since his tour in Vietnam. McAfee stated, after having been sober for at least a year, he recently had a relapse. McAfee stated he subsequently moved to Mobile, AL, from Tallahassee, FL, and has been residing at a hotel in the Theodore area for approximately two weeks.
  - b. McAfee stated in 07/07 he opened a savings and checking account at Century Bank. McAfee stated he opened the checking account with a \$1,000 check and the savings account with a \$1,740 check, both drawn on his Capital City Bank checking account, number 0307061206. McAfee stated he knew that when he negotiated the aforesaid two checks that there were no funds in the account to support the checks.
  - c. McAfee stated he subsequently made one cash withdrawal for \$800 from the Century Bank checking account and three cash withdrawals - \$1,000, 500, and \$200 – from the savings account.

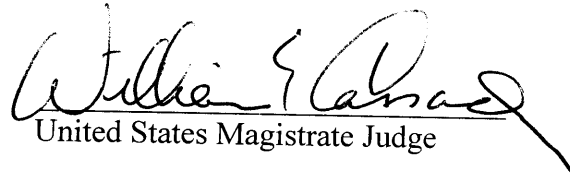
- d. McAfee stated on 07/18/7, he opened a savings account with Bay Bank in Theodore, AL. McAfee stated he opened the savings account with a check for \$2,340, which was drawn on his Capital City Bank account, number 0307061206. McAfee stated he knew that when he negotiated the aforesaid check that there were no funds in the account to support the check.
  - e. McAfee stated that he has also negotiated several checks on his Capital City Bank account, number 0307061206, since the accounts establishment. McAfee stated he opened the account with minimum funds, he never deposited additional funds into the account, nor did he have any belief that additional deposits would be made by him or anyone else on the account. McAfee stated that he knew when he negotiated checks on the account that there were no funds in the account to support the checks.
  - f. McAfee stated his intentions were to fraudulently open the aforesaid accounts and subsequently make fraudulent withdrawals on those accounts that he knew would contain no funds. McAfee stated all on the aforesaid accounts were opened with fraudulent pretenses.
  - g. McAfee stated he did all of the aforesaid to live and support his drug addiction.
10. Based on the foregoing facts I, the Affiant, believe that there is probable cause that John Henry McAfee committed a violation of 18 USC 1344, by knowingly executing a scheme to defraud a financial institution.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Christopher Graham", written over a horizontal line.

Christopher Graham  
Special Agent  
United States Secret Service

Subscribed and sworn to before me this 19<sup>th</sup> day of July, 2007.

A handwritten signature in black ink, appearing to read "Willie E. Adams", written over a horizontal line.

United States Magistrate Judge